UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/742,660
Filing Date: December 21, 2000
Appellant(s): Nishikawa, Hidenori

Michael F. Hoffman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 19, 2007 appealing from the Office action mailed January 10, 2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,456,986	BOARDMAN et al.	09-2002
5,852,812	REEDER	12-1998
6,078,897	RUBIN et al.	06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

(10) Response to Argument

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by

Reeder (Patent Number 5,852,812).

As per claims 4-5, Reeder discloses a method for calculating charges to

customers using a data processing computer system, comprising:

associating a set of rules one-to-one with each service type provided by a

service provider ((col. 16, lines 19-24; col.18, lines 5-7);

providing a database of customer data, wherein the customer data includes

events, and wherein each event belongs to a service type utilized by a customer

(col.13, lines 65 through col. 14, line 3);

identifying the events belonging to a predetermined customer (col. 15, lines 29-

34);

analyzing the events to determine what service types were utilized by the

predetermined customer, processing the events belonging to the service type by

applying the associated set of rules for the service type (col. 15, lines 25-38; col. 16,

lines 19-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2.   **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Boardman et al. (Patent Number 6,456,986) in view of Rubin et al. (Patent Number

6,078,897).

As per claim 1, Boardman et al. disclose a data processing system for calculating

charges to customers, comprising:

a database, for managing customer data required for calculating said charges to

customers (col. 1, lines21-26; col. 2, lines 24-29); and

rule management means, for storing rule sets that, in advance, each define only one charge calculation method that is employed in accordance with a type of customer service that is rendered, wherein the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value (col. 1, lines 51-57; col. 2, lines 42-50; Figs. 1 and 2).

Boardman et al. do not disclose that the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value. Rubin et al. disclose that rules that describe which of the information retrieved may be combined with the proposed order are stored in vendor thresholds and catalog 210 (col. 7, lines 49-61).

However, Rubin et al. further disclose that the vendor discount thresholds are stored in a discount table of a conventional database with each threshold containing a vendor name, a volume and a discount stored in each record of the discount table (col. 8, lines 11-15). Rubin et al. still further disclose that if the volume of the proposed order stored in proposed order storage 212 is equal to a threshold, next threshold calculator 220 signal administration 250 by sending two values: 0 and the additional volume calculated.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. to include the feature

of Rubin et al. in order to identify how to increase an order for goods or services to

realize additional discounts (Rubin; col. 2, lines 18-20).

3.   Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boardman et al. in view of Carter (Patent No. 6,553,350), in further view of Rubin

et al (6,078,897).

As per claims 2-3, Boardman et al. disclose a data processing system for

calculating charges to customers, comprising:

a database for managing customer data required for calculating said charges to

customers(col.1, lines 21-26; col. 2, lines 24-29);

rule management means, for storing a rule that, in advance, defines only one

charge calculation method that is employed in accordance with the type of customer

service that is rendered (abstract; col. 3, lines 17-40; col. col. 4, lines 28-46); and

calculation means for, in accordance with the contents of said customer data

read from said database, obtaining for a pertinent customer, from said rule management

means, said rule that defines a charge calculation method, and for calculating a charge

by referring to said charge discount ratio defined in said pertinent rule (col. 2, lines 42-

50 and Figs 1 and 2)

Boardman et al. do not expressly disclose that the discount table further

includes a set of change point identifiers and associated discount threshold values.

However, Carter discloses that FIG. 1 shows an example of a basic price table

wherein each row designates a potential customer that the product would be sold to,

and each column designates the product will be sold, and the table entry corresponding

to the basic unadjusted price for the product; and according to the prior art, in addition

to the basic price table of FIG. 1, various other tables must be stored and maintained in

the mainframe database (col. 2, lines 44-55; FIG. 2).

Rubin et al. disclose that vendor threshold and catalog 210 also stores the

volume thresholds for each discount level, and information regarding the calculation of

the volume of the order (col. 3, lines 33-35). Rubin et al. further disclose that that

vendor thresholds and catalog 210 is a conventional relational database with a product

table holding the name, vendor identifier, undiscounted price, and unit or volume

contribution, of each product wherein the volume contribution may be equal to the

undiscounted price, a value of "1", or another weighted value; and a discount table

holds the vendor name, volume threshold and discount calculation such as a

percentage discount for each discount threshold of each vendor for which the apparatus

can accept orders (col. 3, lines 48-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Boardman et al. and Carter to

include the feature of Rubin et al. in order to provide flexibility in price modeling.

**4.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Reeder in view of Boardman et al. Boardman et al. (Patent Number 6,456,986).**

As per claim 6, Reeder does not expressly disclose that the set of rules

associated with each serve type further includes a charge calculation rule.

However, Boardman et al. disclose that an algorithm calculates a price or

modifies a price (applies a discount) (col. 2, lines 48-50).

Boardman et al. further disclose that the Algorithm Selection Rule Set 30 is within

the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs. 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Reeder to include the feature of

Boardman et al. in order provide guidelines for performing calculations.

1. Independent Claim 4:

Appellant's arguments appearing on Page 4 of the appeal brief is that claims 4-5

are not anticipated by Reeder. The appellant argues that in claim 4, Reeder does not

disclose, *inter alia,* "associating a set of rules-one-to-one with each service type

provided by a service provider".

In response to applicant's arguments, the examiner asserts that based on the

claim language of claims 4-5, the set of rules are many-to-one, not one-to-one because

the set of rules also includes a discount condition rule and a discount calculation rule.

The appellant continues to argue on Page 5 that *"the cited part of Reeder does*

not disclose a one-to-one association between the exemplary pricing rule and a service

type; and in addition, the cited disclosure of Reeder (col. 18, lines 5-7) relates a pricing

rule with an event ID, but not a service type. For example, in Reeder, "[t]he

CPipeClosedEvent object is produced when the connection between the server 12 and

application 110 is disrupted." (Col. 9., lines 26-28). Such a connection disruption event is clearly not a service type.

In response to applicant's arguments, the examiner asserts that Reeder discloses that "the system of the present invention has the flexibility to give one customer a discounted price for the downloaded file while selling the <u>same service</u> to another customer at a discount. The <u>pricing rule</u> is designed to give maximum flexibility to pricing <u>particular events</u> that occur within the system (col. 16, lines 19-24).

Also, the examiner asserts that the appellant is arguing one type of service in regards to the disruption event. Reeder discloses in the abstract that customers are billable events which can include access to premium services, file downloads or gateway connections to other systems. Reeder further discloses that "a CfileDownloadEvent object 136 is created when a customer downloads a file from the application server 100" (col. 9, lines 40-42); and for example, when a customer downloads a file, an event object is created that can then be used in the billing system to charge the customer for the file" (col. 9, lines 62-65). Reeder still further discloses that "the system of the present invention has the flexibility to give one customer a discounted price for the downloaded file while selling the <u>same service</u> to another customer at a discount. The <u>pricing rule</u> is designed to give maximum flexibility to pricing <u>particular events</u> that occur within the system (col. 16, lines 19-24). The examiner believes billable events are services.

The appellant still continues to argue on Page 5 that Reeder does not disclose

the above feature of claim 1.

In response to appellant's argument, the examiner asserts that in regards to

claim 1, the examiner cited Boardman et al. and Rubin set al. as prior art.

2. Independent Claim 1:

Appellant's arguments appearing on Page 5 of the appeal brief is that in regards

to claim 1, Boardman and/or Rubin do not teach or suggest, *inter alia,* "rules sets that,

in advance, each define only one charge calculation method that is employed in

accordance with a type of customer service"; and a price plan of Boardman does not

"define only one charge calculation method".

In response to applicant's arguments, the examiner asserts that Boardman

teaches "a Price Plan may consist of several Algorithms, each <u>one</u> used to rate different

types of Events (e.g., a plan contains an Algorithm for rating calling card calls, and a

separate Algorithm for rating regular direct dialed telephone calls) (col. 4, lines 42-46).

The examiner interprets this to mean that one calculation method is employed in

regards to the service type/event.

Appellant further argues on Page 6 of the appeal brief that in regards to claim 1,

the price plan of Boardman does not teach the claimed rule set because it does not

define only one charge method.

In response to applicant's arguments, the examiner would like to direct the appellant's attention to FIGS. 1 and 2 of Boardman et al. Price Plans 1-3 in FIG. 1 has corresponding Algorithms 1-3 in FIG. 2.

Boardman et al. further disclose "a Price Plan may consist of several Algorithms, each one used to rate different types of Events (e.g., a plan contains an Algorithm for rating calling card calls, and a separate Algorithm for rating regular direct dialed telephone calls) (col. 4, lines 42-46).

3. Dependent Claims 2-3:

Appellant's arguments appearing on Page 7 of the appeal brief is that in claims 2-3, Carter does not overcome the deficiencies of Boardman and Rubin.

In response to appellant's argument, the examiner asserts that Carter discloses that FIG. 1 shows an example of a basic price table wherein each row designates a potential customer that the product would be sold to, and each column designates the product will be sold, and the table entry corresponding to the basic unadjusted price for the product; and according to the prior art, in addition to the basic price table of FIG. 1, various other tables must be stored and maintained in the mainframe database (col. 2, lines 44-55; FIG. 2).

Rubin et al. disclose that vendor threshold and catalog 210 also stores the volume thresholds for each discount level, and information regarding the calculation of the volume of the order (col. 3, lines 33-35). Rubin et al. further disclose that that vendor thresholds and catalog 210 is a conventional relational database with a product

table holding the name, vendor identifier, undiscounted price, and unit or volume

contribution, of each product wherein the volume contribution may be equal to the

undiscounted price, a value of "1", or another weighted value; and a discount table

holds the vendor name, volume threshold and discount calculation such as a

percentage discount for each discount threshold of each vendor for which the apparatus

can accept orders (col. 3, lines 48-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Boardman et al. and Carter to

include the feature of Rubin et al. in order to provide flexibility in price modeling.

5. Dependent Claim 6:

Appellant's arguments appearing on Page 7 of the appeal brief is that in claim 6,

Boardman does not overcome the deficiencies of Reeder.

In response to appellant's argument, the examiner asserts that Boardman et al.

disclose that an algorithm calculates a price or modifies a price (applies a discount) (col.

2, lines 48-50).

However, Boardman et al. further disclose that the Algorithm Selection Rule Set

30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs.

1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Reeder to include the feature of

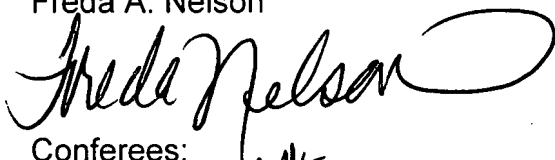Boardman et al. in order provide guidelines for performing calculations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

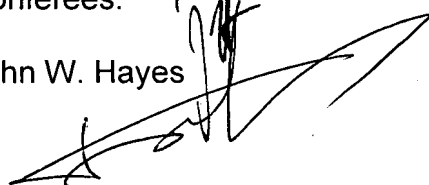For the above reasons, it is believed that the rejections should be sustained.
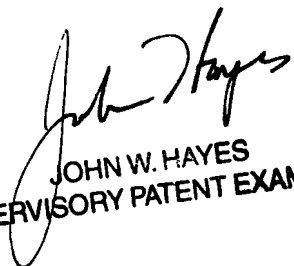
Respectfully submitted,

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SUPERVISORY PATENT EXAMINER